

propane or gasoline torches (open-flame methods) are not permitted. Washing and repainting without thorough removal or covering does not constitute adequate treatment. In the case of defective paint spots, scraping and repainting the defective area is considered adequate treatment.

(3) Appropriate provisions for the inspection of applicable surfaces and elimination of hazards shall be included in contracts and subcontracts involving HUD-associated housing to which such requirements may apply.

(4) Any requirements of this section shall be deemed superseded by a regulation promulgated by an Assistant Secretary with respect to any program under his or her jurisdiction which states expressly that it is promulgated under the authorization granted in this section and supersedes, with respect to programs within its defined scope, the requirements prescribed by this section. *See, e.g.*, 24 CFR part 200, subpart O (Mortgage Insurance and Property Disposition); § 570.608 (Community Development Block Grant); § 882.109(i) (Section 8 Existing Housing); part 965, subpart H (Public Housing); part 905, subpart K (Indian Housing).

[52 FR 1890, Jan. 15, 1987, as amended at 53 FR 20798, June 6, 1988; 56 FR 920, Jan. 9, 1991; 56 FR 15172, Apr. 15, 1991]

Subpart D—Local Codes and Regulations

§ 35.40 Compliance with local laws.

(a) HUD, as owner of federally-owned housing, will comply with State or local laws, ordinances, codes, or regulations governing lead-based paint hazard abatement.

(b) Nothing in this part 35 is intended to relieve an owner or tenant of HUD-associated housing of any responsibility for compliance with State or local laws, ordinances, codes, or regulations governing lead-based paint hazard abatement.

(c) HUD does not assume any responsibility with respect to inspection, enforcement, interpretation or determination of compliance with such State or local requirements, except that the Federal standard for lead content in paint supersedes any State or local requirement, prohibition, or

standard, as provided in section 506 of the Act.

§ 35.42 Requirements.

Each Assistant Secretary shall take necessary actions to implement the intent of § 35.40.

Subpart E—Elimination of Lead-Based Paint Hazards in Federally-Owned Properties Prior to Sale for Residential Habitation

§ 35.50 Purpose and scope.

This subpart E implements the provisions of section 302 of the Act which directs the Secretary to establish and implement procedures to eliminate the hazards of lead-based paint poisoning in all federally-owned properties prior to the sale of such properties when their use is intended for residential habitation.

§ 35.52 Applicability.

The requirements established by this subpart E are applicable to all federally-owned properties prior to their sale by a Federal agency when their use is intended for residential habitation.

§ 35.54 Definitions.

The definitions contained in §§ 35.3 and 35.22 shall apply to this subpart E. The following definitions are also applicable to this subpart E:

Federal agency. The United States or any executive departments, independent establishments, administrative agencies and instrumentalities of the United States, including corporations in which all or substantially all of the stock is beneficially owned by the United States or by any of the foregoing departments, establishments, agencies or instrumentalities.

Federally-owned properties. Any properties owned by a federal agency as defined in this section.

Use for residential habitation. The use of a property as a residential structure as defined in § 35.3.

[51 FR 27788, Aug. 1, 1986]